### **UTILITY PATENT APPLICATION TRANSMITTAL** (Small Entity)

31592-UT-1001

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission 13

Docket No.

i. 📈

j. XX

Claim(s) as Classified Below

Abstract of the Disclosure

### TO THE COMMISSIONER FOR PATENTS **Mail Stop Patent Application** P.O. Box 1450

|                         |                        |                   |        | Alexand           | dria, VA | 22313      | -1450             |                               |                  |
|-------------------------|------------------------|-------------------|--------|-------------------|----------|------------|-------------------|-------------------------------|------------------|
|                         |                        | filing under 35   | U.S.   | .C. 111(a         | ) and 37 | 7 C.F.R.   | 1.53(             | b) is a new utility patent ap | plication for an |
|                         | TRACKING SOLAR SHELTER |                   |        |                   |          |            | U.S. PTO<br>96310 |                               |                  |
| and invented by         | r:                     |                   |        | ·                 |          |            |                   |                               | 58               |
|                         | , David<br>-Caster     |                   |        |                   |          |            |                   |                               | 228              |
| If a CONTINUA           | ATION AP               | PLICATION,        | chec   | k approp          | riate bo | x and su   | ipply t           | the requisite information:    | •                |
| ☐ Continuat             | tion 🗌                 | Divisional        |        | Continu           | ıation-i | n-part (   | CIP)              | of prior application No.:     |                  |
| Which is a:             |                        |                   |        |                   |          |            | \                 |                               |                  |
| ☐ Continual Which is a: | tion 🔲                 | Divisional        | Ц      | Continu           | ıation-i | n-part (6  | CIP)              | of prior application No.:     |                  |
| Continuat               | tion 🔲                 | Divisional        |        | Continu           | ıation-i | n-part (   | CIP)              | of prior application No.:     |                  |
| Enclosed are:           |                        |                   |        |                   |          |            |                   | -                             |                  |
| Enoiosca arc.           |                        |                   |        | Appl              | lication | Elemer     | nts .             |                               |                  |
| 1. XX Filir             | ng fee as              | calculated an     | d trar | nsmitted a        | as desc  | ribed bel  | low               |                               |                  |
| 2. XXI Spe              | ecification            | having            | •      | 13                |          | pages      | and ir            | ncluding the following:       |                  |
| а. 💢                    | Descript               | tive Title of the | e Inve | ention            |          |            |                   |                               | ·                |
| b. <del>Д</del>         | Cross R                | leferences to     | Relat  | ted Applic        | ations ( | (if applic | able)             |                               |                  |
| c. 🗆                    | Stateme                | ent Regarding     | Fede   | erally-spo        | nsored   | Researc    | ch/De             | velopment (if applicable)     |                  |
| d. 🗀                    | Referen                | ce to Sequen      | ce Li  | sting, a Ta       | able, or | a Comp     | outer I           | Program Listing Appendix      |                  |
| e. 刈∑                   | Backgro                | ound of the Inv   | ventic | on                |          |            |                   |                               |                  |
| . <b>f.</b> 🙀           | Brief Su               | mmary of the      | Inve   | ntion             |          |            |                   |                               |                  |
| g. XIXI                 | Brief De               | escription of th  | e Dra  | awings <i>(if</i> | filed)   |            |                   |                               |                  |
| h. 💢                    | Detailed               | 1 Description     |        |                   |          |            |                   |                               |                  |

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| 3.  | XX               | Dra   | wing(s) (when    | necessary as prescribed by 35 USC 113)          |                                   |  |  |  |  |
|-----|------------------|---|------------------|---|-----------------------------------|--|--|--|--|
|     |                  | XIXI  | Formal           | Number of Sheets 12                             |                                   |  |  |  |  |
|     |                  |   | Informal         | Number of Sheets                                |                                   |  |  |  |  |
| 1   |                  |   | h or Declaration |   |                                   |  |  |  |  |
| ٦.  | χ <b>∏</b><br>а. | _   |                  |   |                                   |  |  |  |  |
|     |                  |   |                  |   | a (divining all application and a |  |  |  |  |
|     |                  | Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)   |                  |   |                                   |  |  |  |  |
|     |                  | : 刈込 With Power of Attorney   |                  |   |                                   |  |  |  |  |
|     | u.               | DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).  |                  |   |                                   |  |  |  |  |
| 5.  |                  |   |                  |   |                                   |  |  |  |  |
|     |                  | The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. |                  |   |                                   |  |  |  |  |
| 6.  |                  | CD  | ROM or CD-R      | in duplicate, large table or Computer Program ( | Appendix)                         |  |  |  |  |
|     | XX               |   |                  | heet (See 37 CFR 1.76)                          |                                   |  |  |  |  |
| 8.  |                  | Nuc   | leotide and/or   | Amino Acid Sequence Submission (if applicable   | e, all must be included)          |  |  |  |  |
|     | a.               |   | Computer Re      | adable Form (CFR)                               |                                   |  |  |  |  |
|     | b.               |   | Specification    | Sequence Listing on:                            |                                   |  |  |  |  |
|     |                  |   | i. 🗆 CD-         | ROM or CD-R (2 copies); or                      |                                   |  |  |  |  |
|     |                  |   | ii. 🗌 Pap        | er  |                                   |  |  |  |  |
|     | C.               |   | Statement(s)     | Verifying Identical Paper and Computer Readat   | ole Copy                          |  |  |  |  |
|     |                  |   |                  | Accompanying Application Parts                  |                                   |  |  |  |  |
| 9.  |                  | Assignment Papers (cover sheet & document(s))   |                  |   |                                   |  |  |  |  |
| 10. |                  | 37 CFR 3.73(B) Statement (when there is an assignee)  |                  |   |                                   |  |  |  |  |
| 11. |                  | English Translation Document (if applicable)  |                  |   |                                   |  |  |  |  |
| 12. |                  | Information Disclosure Statement/PTO-1449   Copies of IDS Citations   |                  |   |                                   |  |  |  |  |
| 13. |                  | Preliminary Amendment   |                  |   |                                   |  |  |  |  |
| 14. | XX               | Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  |                  |   |                                   |  |  |  |  |
| 15. |                  | Certified Copy of Priority Document(s) (if foreign priority is claimed)   |                  |   |                                   |  |  |  |  |
| 16. | ŒX               | Certificate of Mailing  |                  |   |                                   |  |  |  |  |
|     |                  |   | First Class      | Express Mail (Specify Label No.): EV40          | 2864328US                         |  |  |  |  |
|     |                  |   |                  |   |                                   |  |  |  |  |

**Application Elements (Continued)** 

## UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

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| 17. | X  | Applicant claims small entity status. See 37 CFR 1.27.  (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: |
|-----|----|--|
| 18. | XX | Additional Enclosures (please identify below):   |
|     |    | Associate Power of Attorney Nompublication Request Check   |

**Accompanying Application Parts (Continued)** 

#### Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

#### Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

## UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

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#### Fee Calculation and Transmittal

#### **CLAIMS AS FILED** #Filed For #Allowed #Extra Rate Fee **Total Claims** \$9.00 11 - 20 = X 0 . 0.00 \$43.00 Indep. Claims 1 - 3 = 0. 0.00 Multiple Dependent Claims (check if applicable) BASIC FEE \$385.00 OTHER FEE (specify purpose) TOTAL FILING FEE \$385.00 A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge and credit Deposit Account No. 13-4213 as described below. ☐ Charge the amount of as filing fee. XXI Credit any overpayment. Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17. Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b). Dated: March 8, 2004

cc:

Deborah A. Peacock, Reg. No. 31,649

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)

| First Named Inventor |   | Melton, David S.      |  |
|----------------------|---|-----------------------|--|
| Title                | Т | racking Solar Shelter |  |
| Atty Docket Number   |   | 31592-UT-1001         |  |

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 9, 2004

Date

Signature

Deborah A. Peacock Reg. No. 31,649 Attorney for Applicant

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).